

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TONY D. PENWELL,

Plaintiff,

vs.

JEFF UTTECHT, et al.,

Defendants.

NO. CV-07-415-LRS

ORDER DISMISSING COMPLAINT WITHOUT  
PREJUDICE AND DIRECTING THAT  
COLLECTION OF THE FILING FEE CEASE

BEFORE THE COURT is Plaintiff Tony D. Penwell's Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Defendants have not been served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 9) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff also filed a Motion to waive collection of the remaining balance of the filing fee in this action. For good cause shown, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 10) is **GRANTED** and the institution having custody of Mr. Penwell shall cease collection of the filing fee in this action, cause number **CV-07-415-LRS**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff and close the file. The District Court

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1 Executive is further directed to send a copy of this Order to the  
2 Office of the **Department of Corrections, Attn: LFO/COS UNIT, P.O. Box**  
3 **41107, Olympia, WA 98504-1107**, to forward to the appropriate agency  
4 having custody of Plaintiff. The District Court Executive also **shall**  
5 provide a copy of this Order to the Financial Administrator for the  
6 United States District Court, Eastern District of Washington.

7 **DATED** this 8th day of May, 2008.

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9 ***s/Lonny R. Suko***

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11 LONNY R. SUKO  
12 UNITED STATES DISTRICT JUDGE  
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28 ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT  
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